

MINUTES
BOARD OF SUPERVISORS
COUNTY OF YORK

Regular Meeting
March 2, 2004

7:00 p.m.

Meeting Convened. A Regular Meeting of the York County Board of Supervisors was called to order at 7:00 p.m., Tuesday, March 2, 2004, in the Board Room, York Hall, by Chairman Thomas G. Shepperd, Jr.

Attendance. The following members of the Board of Supervisors were present: Walter C. Zarembo, Sheila S. Noll, James S. Burgett, and Thomas G. Shepperd, Jr.

Kenneth L. Bowman was absent.

Also in attendance were James O. McReynolds, County Administrator; J. Mark Carter, Assistant County Administrator; and James E. Barnett, County Attorney.

Invocation. Mark Carpenter, York County Youth Commission, gave the Invocation.

Pledge of Allegiance to the Flag of the United States of America. Chairman Shepperd led the Pledge of Allegiance.

PRESENTATIONS

YORK COUNTY YOUTH COMMISSION

Mr. Aneesh Venkat, Chairman of the York County Youth Commission made the Commission's 3rd quarterly report. He thanked Mr. Shepperd for being liaison during the Commission's first semester, and he welcomed Mr. Burgett as liaison during this semester. He reported that the Commission sponsored a ski trip in early February that was very successful. On February 13 the Commission hosted a Valentine bingo party at the Senior Center of York. Mr. Venkat noted that current projects include suggestion boxes in the high schools, the web site is continually updated, and Mr. Burgett and School Board Member Mark Medford and two Youth Commissioners will select the winners of Outstanding Youth Awards tomorrow. He then spoke of upcoming projects that include seeking applicants for the 2004-2005 Youth Commission, which are due to Parks and Recreation by March 25. He noted that the Commission was also implementing two major projects, a County-wide talent show and a town hall meeting at each of the County's high schools to interface directly with the Board of Supervisors and the School Board. Mr. Venkat thanked the Board of Supervisors and citizens for the support given to the Youth Commission, and he noted that his final report would be given to the Board on June 1.

PROPOSED FISCAL YEAR 2005 OPERATING BUDGET

Mr. McReynolds presented to the Board of Supervisors the proposed FY2005 Budget, and he reviewed the General Fund budget issues impacting the budget which include:

- No tax rate increases
- School funding
- Employee compensation
- Unfunded mandates

He discussed projected General Fund revenues by source which indicates a local revenue increase of \$11.2 million or 13.8 percent over FY2004, which can be attributed to growth in the real and personal property tax bases, as well as strong sales tax growth. The rate of population growth in the County is expected to grow by about 2.6 percent from FY2004 to FY2005. This lower population growth is the result of the steps taken by the Board to manage growth through changes in the zoning densities that will lower the County's ultimate population to approximately 80,000. School enrollment is up 15.3 percent since 1996, and an increase in the student population is expected over the FY2004 figure, going from an actual enrollment of

12,360 in FY2004 to 12,600 in FY2005. Education is by far the largest single expenditure and priority in the General Fund taking 46 percent of its total. The School Board was initially told it could expect an increase of \$1.7 million in the local contribution for education, but it was now being recommended that an additional \$2.2 million be provided to support the School Division. Mr. McReynolds noted that the proposed budget includes a recommendation for 23.25 new positions, and more than half, 13.25, are necessary to comply with mandates; the remaining 10 positions are recommended to meet the growing demand for County services. He then discussed compensation cost increases, noting the County's required contribution to the VRS will increase by approximately \$1.5 million, representing a 90 percent increase from 2004. New personnel requests are expected to cost an additional \$1.1 million, as well as recommended compensation cost increases due to step adjustments and a 2 percent market adjustment. He briefly reviewed the non-personnel increases amounting to \$6.4 million, of which \$4 million is increased local funding for school operations and school debt. Mr. McReynolds addressed funding reductions and new mandates, stating the full impact of these issues cannot be appreciated without some discussion of their combined effect. Direct state funding is expected to decrease by a net of approximately \$77,000. New positions required to meet unfunded mandates are estimated to cost about \$600,000. Required new equipment and services are expected to cost nearly \$140,000. A portion of the increased inmate per diem charges to the County, approximately \$150,000, is the result of reduced state funding to the jail. He stated the total costs of these new funding reductions and unfunded mandates are expected to be nearly \$1 million. He then spoke of the \$510,000 in unallocated revenue, stating the excess of anticipated revenues over the proposed allocation for expenditures is largely due to an unusually high growth rate in the local real estate values. He noted that the real estate market is cyclical; and, while values can be expected to increase in the long run, periods of high growth will generally be offset by periods of low or no growth. Due to this, he stated he would not recommend a reduction in the County's real estate tax rate at this time; but he would recommend that this amount be deposited to the capital reserve and be used to fund or partially fund high priority one-time expenditures. He stated this would help reduce the amounts that will need to be borrowed in the future and help avoid the need to increase the tax rate during a less robust economy. In summary, Mr. McReynolds stated that over the past years, growth in demand for services, additional spending for schools, other programs, and declining federal and state support have greatly raised the demand on County resources, and the proposed budget maintains tax rates at their current levels.

CITIZENS COMMENT PERIOD

Mrs. Jeanette Carter, 819 Baptist Road, asked the Board members if they have anything against development in Lackey. She stated the residents have had some problems with Mid-Atlantic wanting to do some work in Lackey, and if the Army Corps of Engineers wants to come out and do another wetlands study, that would be fine. There are people who have paid taxes for too many years to let their properties go, and they need government help.

Ms. Martha R. Haley, 101 Michael Place, representing the PTA of Grafton Bethel Elementary School, asked the Board for its support of the Capital Improvements Program for the School Division. She stated many families are coming to York County because of the quality of life in York County and the quality of the school system, and she asked the Board to support Mr. McReynolds' recommendations for the School Division budget this year.

COUNTY ATTORNEY REPORTS AND REQUESTS

Mr. Barnett stated the General Assembly is moving along, and he reviewed several of the bills impacting York County. House Bill 679 to allow local government to remove abandoned signs has passed. Senate Bill 652 for the additional \$2 room fee has passed both houses with a minor amendment. House Bill 677, which would allow York County to be able to control parking by classification, has passed both houses. York County was added to Senate Bill 115 by population to the short list of jurisdictions that would have authority to require the screening of automobile graveyards, and it passed both houses with the amendment to add jurisdictions by name rather than by population. Mr. Barnett then addressed the issue of mopeds, stating he has drafted a document for the Board's consideration, and he has given copy to Mr. McReynolds to review. He stated he would get it to the Board members in the next few days. He also noted that an ordinance similar to those adopted by other jurisdictions that require helmets and other safety devices for mopeds was attached to the report.

A brief discussion followed regarding the vote of York County's legislators on the \$2 fee for hotel rooms and the bill providing authority to require screening of automobile graveyards.

COUNTY ADMINISTRATOR REPORTS AND REQUESTS

Mr. McReynolds reminded the Board of its next work session on the budget scheduled for March 9, as well as the public hearings scheduled for March 11 and the other work sessions scheduled for later in the month. He noted that adoption of the proposed FY2005 budget is scheduled for April 6.

Mr. Zaremba asked how does the staff know that unfunded mandates will increase when the General Assembly is still in session.

Mr. McReynolds stated staff has been closely monitoring the General Assembly actions to make its determinations, and they have not seen a lot more funding or reductions coming down and is acting on the best information they have at this time. He stated with regard to the General Fund budget, staff believes they are on fairly solid ground.

MATTERS PRESENTED BY THE BOARD

Mr. Burgett noted he had received several phone calls concerning the airplanes that are flying over District 4 at night. He stated they are military aircraft, and he thought the problem had been solved. He indicated the citizens should call the Federal Aviation Administration at (804) 222-7494 and express their feelings about the night flying. He then indicated he had attended the latest Industrial Development Authority breakfast, and noted there was a very good presentation on the Route 17 Revitalization program. He stated he was very pleased to hear about the scooter memorandum to come from the County Attorney. Mr. Burgett then spoke about the town meetings at each of the high schools that are being organized by the Youth Commission, and the Board will be given material concerning them. He stated there is a schedule for each of the four different high schools, and he would like to see the Board members go for an hour or so and talk to the students about what they feel is important, and then have a question and answer period.

Mrs. Noll spoke of the needs of the servicemen overseas, and she asked that citizens include soap, tee-shirts, suntan lotion, razors, skin cream, and repellant when sending packages to the servicemen. She then stated that all the Board members received letters from a constituent commending employees Lynn Williford, Anna Drake, and Marianne Harris for their help after Hurricane Isabel. Mrs. Noll then addressed the upcoming budget process, stating that for the past several years the Board has contributed to the NASA Support Team, and she would like to make sure its funding is at a level necessary to make changes. She reminded the citizens that 70 percent of the work done at NASA is on aeronautics, and she spoke of the importance of NASA research. She expressed her hope that there will be a national debate on the future of NASA in this country. One of the strategies is to support the space initiative as well as working to bring NASA service center to this region, which would mean an increase of 500 jobs at an average salary of \$60,000 each per year to this area.

Meeting Recessed. At 7:53 p.m. Chairman Shepperd declared a short recess.

Meeting Reconvened. At 8:01 p.m. the meeting was reconvened in open session by order of the Chair.

PUBLIC HEARING

APPLICATION NO. ZT-81-04, YORK COUNTY BOARD OF SUPERVISORS

Mr. Carter made a presentation on Application No. ZT-81-04 to amend the York County Code to adjust the procedures under which certain uses are permitted and the performance standards applicable to those uses. The application pertains to Sections 24.1-306 (Table of Land Uses), 24.1-466 (Standards for all Retail Uses), 24.1-467 (Standards for Convenience Stores), 24.1-

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475 (Standards for all Motor Vehicle and Transportation Related Uses), 24.1-477 (Standards for Auto Fuel Dispensing Establishments, Service Stations, and Auto Repair Garages), and 24.1-478 (Standards for Car Washes). The Planning Commission considered the application and forwarded it to the Board of Supervisors with a recommendation of approval, and staff recommended approval of the application through the adoption of proposed Ordinance No. 04-2.

Mr. Zaremba noted that most of the changes were in the General Business district, and he asked why auto dealerships would not be required to get a use permit in the IL district.

Mr. Carter stated there are few, if any, limited industrial areas along Route 17, which was the primary focus for the amendment. Also, he stated that when staff put this material together, they felt that the issues of appearance and some of the other factors were not so important in the IL and IG districts.

Mr. Zaremba emphasized that the ordinance was not restricted to Route 17.

Mr. Carter indicated Mr. Zaremba was correct.

Mr. Zaremba stated that on Route 143 in the Bruton District there had been a Texaco station, but for the past two years it has been closed. He asked how would a previous gas station be affected by this proposed ordinance.

Mr. Carter stated that any existing station in operation would not be affected. The proposed ordinance would only affect new uses in the future. He stated if the site Mr. Zaremba spoke of remains out of business for two years, it will lose any grandfather rights and will have to comply with the new regulations if adopted.

Discussion followed concerning the Board's desire to be able to require grandfathered businesses to comply with the proposed ordinance, if adopted.

Mrs. Noll indicated the proposed ordinance specifies that a business can be closed for one year before the County can require the business to remove the unused structures from the site, and she suggested that the ordinance specify nine months, giving the owner's 90 days to comply.

Chairman Shepperd then called to order a public hearing on Application No. ZT-81-04 that was duly advertised as required by law. Proposed Ordinance No. 04-2 is entitled:

AN ORDINANCE TO APPROVE APPLICATION NO. ZT-81-04 TO AMEND SECTIONS 24.1-306, TABLE OF LAND USES, 24.1-466, STANDARDS FOR ALL RETAIL USES, 24.1-467, STANDARDS FOR CONVENIENCE STORES, 24.1-475, STANDARDS FOR ALL MOTOR VEHICLE AND TRANSPORTATION RELATED USES, 24.1-477, STANDARDS FOR AUTO FUEL DISPENSING ESTABLISHMENTS, SERVICE STATIONS AND AUTO REPAIR GARAGES, AND 24.1-478, STANDARDS FOR CAR WASHES OF CHAPTER 24.1, ZONING (YORK COUNTY CODE) TO ADJUST THE PROCEDURES UNDER WHICH CERTAIN USES ARE PERMITTED AND THE PERFORMANCE STANDARDS APPLICABLE TO THOSE USES

There being no one present who wished to speak concerning the subject application Chairman Shepperd closed the public hearing.

Mr. Burgett noted his agreement with Mrs. Noll's suggestion to reduce the time limit to nine months for a vacant business with 90 days to comply, and he moved the adoption of proposed Ordinance No. 04-2(R) that included the amendment and reads:

AN ORDINANCE TO APPROVE APPLICATION NO. ZT-81-04 TO AMEND SECTIONS 24.1-306, TABLE OF LAND USES, 24.1-466, STANDARDS FOR ALL RETAIL USES, 24.1-467, STANDARDS FOR CONVENIENCE STORES, 24.1-475, STANDARDS FOR ALL MOTOR VEHICLE AND TRANSPORTATION RELATED USES, 24.1-477, STANDARDS FOR AUTO FUEL DISPENSING ESTABLISHMENTS, SERVICE STATIONS AND AUTO REPAIR GARAGES, AND 24.1-478, STANDARDS FOR CAR WASHES OF CHAPTER 24.1,

**ZONING (YORK COUNTY CODE) TO ADJUST THE PROCEDURES
UNDER WHICH CERTAIN USES ARE PERMITTED AND THE
PERFORMANCE STANDARDS APPLICABLE TO THOSE USES**

WHEREAS, as a result of the efforts and recommendations of the Route 17 Revitalization Committee, it has come to the attention of the Board of Supervisors that certain uses can, particularly if abandoned, have a detrimental impact on the economic vitality and appearance of commercial corridors; and

WHEREAS, the Route 17 Revitalization Committee has recommended that the procedures for permitting certain automobile related uses be examined and that appropriate performance standards be developed to ensure that such uses, if permitted, will continue to be positive elements of the commercial corridors in which they are located; and

WHEREAS, in recognition of these recommendations, the Board of Supervisors has sponsored Application No. ZT-81-04 to allow certain proposed amendments to be considered; and

WHEREAS, the application has been referred to the Planning Commission for review and recommendation in accordance with applicable procedures and the Commission has recommended approval of the amendments; and

WHEREAS, the Board of Supervisors has conducted a duly advertised public hearing on the application and has considered the comments and recommendations received from the public and the Planning Commission.

NOW, THEREFORE, BE IT ORDAINED by the York County Board of Supervisors, this the 2nd day of March, 2004, that it does hereby approve Application No. ZT-81-04 to amend Sections 24.1-306, 24.1-466, 24.1-467, 24.1-475, 24.1-477, and 24.1-478 of the Zoning Ordinance (Chapter 24.1, York County Code) to read as follows:

Section 24.1-306 Table of land Uses

P=PERMITTED USE S=PERMITTED BY SPECIAL USE PERMIT	RESIDENTIAL DISTRICTS						COMMERCIAL AND INDUSTRIAL DISTRICTS							
	RC	RR	R20	R13	R7	RMF	NB	LB	GB	WCI	EO	IL	IG	
	CATEGORY 10 - COMMERCIAL / RETAIL ¹													
USES														
1. Antiques/Reproductions, Art Gallery							P	P	P	P	P			
2. Wearing Apparel Store							P	P	P		P			
3. Appliance Sales									P		P			
4. Auction House								P	P		S			
5. Convenience Store							S	S	S		S			
6. Grocery Store							P		P		P			
7. Book, Magazine, Card Shop							P	P	P		P			
8. Camera Shop, One-Hour Photo Service							P	P	P		P		P	
9. Florist							P	P	P		P		P	
10. Gifts, Souvenirs Shop								P	P		P			
11. Hardware, Paint Store								P	P		P	P	P	
12. Hobby, Craft Shop								P	P		P			
13. Household Furnishings, Furniture									P		P			
14. Jewelry Store								P	P		P			
15. Lumberyard, Building Materials									S			P	P	
16. Music, Records, Video Tapes								P	P		P			
17. Drug Store							S	S	P		P			
18. Radio and TV Sales								S	P		P			
19. Sporting Goods Store								P	P		P			
20. Firearms Sales and Service								S	S		S			
21. Tobacco Store								P	P		P			

¹See Section 24.1-466(g) for special provisions applicable to developments with 80,000 or more square feet of gross floor area.

[illegible]

12. Truck Terminal												P	P
13. Heliport								S		S		S	S
14. Helipad								S		S		P	P
15. Airport										S		S	S
16. Bus or Rail Terminal								P		S		P	P
17. Taxi or Limousine Service								P				P	
18. Towing Service / Auto Storage or Impound Yard												S	
19. Automobile Graveyard, Junkyard													S
20. Bus Service/Repair Facility												P	P

DIVISION 9. COMMERCIAL AND RETAIL USES (CATEGORY 10)

Sec. 24.1-466. Standards for all commercial and retail uses.

- (a) All off-street parking and loading space for all commercial and retail uses shall be located not less than twenty-five feet (25') from any residential property line and shall be effectively screened from view from adjacent residential properties by landscaping, supplemented, as necessary, with appropriate fencing materials. This setback/screening requirement shall also apply to all circulation drives and stacking spaces.
- (b) When located in or adjacent to a residential area, the external appearance and arrangement of such facility shall be of a form, character, appearance and arrangement fully compatible with the residential area.
- (c) Outdoor lighting shall be sufficient to protect public safety; however, it shall be directed away from property lines and rights-of-way and shall not cast unreasonable or objectionable glare on adjacent properties and streets. All site lighting fixtures shall be full-cutoff, as defined by the Illuminating Engineering Society of North America (IESNA), and shall have fully shielded and/or recessed luminaries with horizontal-mount flat lenses.
- (d) Outdoor speaker or paging systems shall be directed away from property lines and shall not be audible on adjacent properties or rights-of-way.
- (e) Appropriate and adequate facilities for accommodating bicycle parking and other alternative transportation modes shall be provided which are safe, secure, and convenient.
- (f) The minimum setback for structures such as fuel dispensing pumps, pump islands, canopies, customer service kiosks, and similar uses shall be forty feet (40') unless the district in which the use is located allows a lesser setback for the principal structure.
- (g) Any fuel dispensing or car wash activities conducted as accessory uses in conjunction with a commercial or retail operation shall be subject to the performance standards set forth in sections 24.1-475, 477, and 478 of this chapter.
- (h) For retail uses otherwise permitted as a matter of right under the provisions of Section 24.1-306, a special use permit shall be required for any proposed development having 80,000 or more square feet of gross floor area. Any redevelopment involving an addition, expansion, renovation, enlargement, or other modification of an existing development that would increase the gross floor area to 80,000 or more square feet shall be subject to the standards and procedures applicable to amendment of special use permits set forth in Section 24.1-115(d) of this chapter.

Sec. 24.1-467. Standards for convenience stores.

- (a) Convenience stores may have access only to streets classified as major collectors or a higher order.

- (b) A traffic impact analysis must be performed in accordance with the requirements of article II, division 5. The recommended improvements must be fully implemented provided, however, that the zoning administrator shall require such additional improvements or traffic restrictions as may be necessary to ensure traffic safety and preserve roadway capacity.
- (c) Deliveries to such uses located adjacent to residential areas shall not occur after 11:00 p.m. or before 6:00 a.m.
- (d) Site lighting shall be provided by fixtures which are compatible in style and illumination levels with the architecture of the principal building on the site and are not greater than twenty-five feet (25') in height.
- (e) Any fuel dispensing or car wash activities conducted as accessory uses in conjunction with a convenience store operation shall be subject to the performance standards set forth in sections 24.1-475, 477, and 478 of this chapter.

DIVISION 11. MOTOR VEHICLE AND TRANSPORTATION RELATED USES (CATEGORY 12)

Sec. 24.1-475. Standards for all motor vehicle and transportation related uses.

- (a) All off-street parking and loading space for motor vehicle and transportation related uses shall be located not less than thirty-five feet (35') from any residential property line and shall be effectively screened from view from adjacent residential properties by landscaping, supplemental, as necessary, with appropriate fencing materials. This setback/screening requirement shall also apply to all circulation drives and stacking spaces.
- (b) Outdoor lighting shall be sufficient to protect public safety; however, it shall be directed away from property lines and rights-of-way and shall not cast unreasonable or objectionable glare on adjacent properties and streets. All site lighting fixtures shall be full-cutoff, as defined by the Illuminating Engineering Society of North America (IESNA), and shall have fully shielded and/or recessed luminaries with horizontal-mount flat lenses.
- (c) Outdoor speaker or paging systems shall be directed away from property lines and shall be designed to prevent objectionable noise levels on adjacent properties or streets. The playing of music on any outdoor speaker systems at a volume that can be heard at the property line shall be prohibited.
- (d) The minimum setback for structures such as fuel dispensing pumps, pump islands, canopies, customer service kiosks, and similar uses shall be forty feet (40') unless the district in which located allows a lesser setback for the principal structure. All lighting mounted on or under canopies shall be full-cutoff or recessed fixtures. No signage shall be attached to the canopy.
- (e) Garage bay doors and semi-enclosed vehicle bays shall be screened from direct view from public streets by a combination of landscaping and earthforms. Any berms used shall comply with the requirements for providing sight triangles contained in section 24.1-242(c).
- (f) Landscape plans for motor vehicle and transportation related uses shall be prepared and certified by a Virginia certified landscape architect.
- (g) A hazardous materials management and stormwater runoff control plan detailing the methods to be employed to ensure that no hazardous or petroleum-based products are permitted to infiltrate into groundwater or surface water resources shall be prepared, submitted to, and approved by the health department, the department of environmental and development services and department of public safety prior to receiving site plan approval for such uses.

- (h) No vehicle parking, storage or display associated with such uses shall be permitted to occur on adjacent public rights-of-way.

Sec. 24.1-477. Standards for auto fuel dispensing establishments, service stations and auto repair garages.

Automobile fuel dispensing establishments, service stations, and auto repair garages shall comply with the following standards:

- (a) Automobile service and minor repairs shall be deemed to include engine tuneups, oil changes and lubrication, and the repair or installation of mufflers, tailpipes, exhaust pipes, catalytic converters, brakes, shock absorbers, tires, batteries, and similar automotive components as determined by the zoning administrator. Repairs specifically shall not include body work and painting.
- (b) All repair or installation work shall be conducted indoors. Used or damaged equipment removed from vehicles during the repair process shall be stored indoors or shall be deposited in an approved covered outdoor collection receptacle for appropriate off-site disposal.
- (c) Temporary overnight outdoor storage and parking of vehicles waiting for repair or pickup shall be permitted. Appropriate and adequate parking areas shall be provided and set aside on the site for such vehicles. No long-term (ninety (90) days or more) storage and parking of vehicles which require major repair work shall be permitted.
- (d) Landscaping supplemented by fencing if necessary shall be utilized to fully screen vehicular storage areas and to partially screen direct views of fuel islands, structures, and service bays from adjacent properties and rights-of-way. The plan to accomplish this shall be designed and prepared by a certified landscape architect.
- (e) A traffic impact analysis must be performed in accordance with the requirements for same contained in article II. The recommended improvements must be fully implemented provided, however, that the zoning administrator shall require such additional improvements or traffic restrictions as may be necessary to ensure traffic safety and preserve roadway capacity.
- (f) No logo, brand name, or sign which is legible from adjacent public roads may be placed on pumps or pump islands.
- (g) Site lighting shall be provided by fixtures which are compatible in style and illumination levels with the architecture of the principal building on the site and are not greater than twenty-five feet (25') in height.
- (h) In the event the fuel dispensing activity ceases at the automobile fuel supply establishment, written notice shall be provided by the owner/operator to the Zoning Administrator within seven days after such fuel dispensing activity ceases. In the event the fuel dispensing activity remains inactive for a period in excess of nine (9) months, the owner/operator shall be responsible for performing the following:
 - 1. the tanks, tank lines, fueling equipment (including the gas pumps and fueling islands) shall be removed; all applicable state and federal environmental protection and mitigation requirements shall be observed in the removal and site restoration process;
 - 2. the canopy shall be removed;
 - 3. any inactive accessory car wash equipment associated with the fuel dispensing activity and the structure surrounding same shall be removed;
 - 4. the real property in or on which the improvements listed in subsection (1), (2), and (3) above, are placed or constructed shall be restored to the same grade or condition as the remainder of the parking lot and maintained either as land-

scaped green area or as paved area until a new site plan for same has been approved by the County. Except in the restored area that is established as landscaped green area, the paved area shall be re-stripped to match the remainder of the parking lot.

The requirement to remove the above-noted equipment may be stayed for a maximum of six (6) months in the event the property owner provides documentation to the zoning administrator of the existence of an executed and pending contract for sale or lease of the property for the same use. If such an extension is granted, the actual conveyance, and the re-establishment of the use, must occur within said six (6) month period. In the event such contract lapses, the removal requirement shall be immediately reinstated.

- (i) The requirement to remove pumps, tanks, canopies and other appurtenances listed in the preceding subsection shall be ensured by the property owner/operator through a maintenance agreement, approved as to form by the county attorney, whereby the property owner/operator shall covenant to perform the required removal of any such tanks, pumps, canopies and other prescribed appurtenances within ninety (90) days of notice by the County and grant authority to the County to perform such work at the property owner's cost if the owner/operator should default on his obligations. The owner/operator shall cause such agreement to be recorded by the clerk of the circuit court and provide evidence of such recordation to the zoning administrator prior to issuance of any building permits for the proposed development.

Sec. 24.1-478. Standards for car washes.

Car washes, whether a principal or accessory use, shall comply with the following standards:

- (a) Car washes shall utilize a low-volume water recycling system which provides for an average of at least eighty percent (80%) recycled water per wash.
- (b) A traffic impact analysis must be performed in accordance with the requirements in article II, division 5. The recommended improvements must be fully implemented provided, however, that the zoning administrator shall require such additional improvements or traffic restrictions as may be necessary to ensure traffic safety and preserve roadway capacity.
- (c) Site lighting shall be provided by fixtures which are compatible in style and illumination levels with the architecture of the principal building on the site and are not greater than twenty-five feet (25') in height.
- (d) In the event the car wash activity, whether it is the principal or accessory use of the property, ceases operation, written notice shall be provided by the owner/operator to the Zoning Administrator within seven days after such activity ceases. In the event the car wash activity remains inactive for a period in excess of nine (9) months, the owner/operator shall be responsible for performing the following:
 - 1. all car wash equipment and the structure surrounding same shall be removed;
 - 2. the real property in or on which the improvements listed in subsection (1) above, are placed or constructed shall be restored to the same grade or condition as the remainder of the parking lot and maintained either as landscaped green area or as paved area until a new site plan for same has been approved by the County. Except in the restored area that is established as landscaped green area, the paved area shall be re-stripped to match the remainder of the parking lot.

The requirement to remove the above-noted equipment may be stayed for a maximum of six (6) months in the event the property owner provides documentation to the zoning administrator of the existence of an executed and pending contract for sale or lease of the property for the same use. If such an extension is granted, the actual conveyance, and the re-establishment of the use, must occur within said six (6) month period. In the event such contract lapses, the removal requirement shall be immediately reinstated.

- (e) The requirement to remove the car wash equipment and surrounding structure listed in the preceding subsection shall be ensured by the property owner/operator through a maintenance agreement, approved as to form by the county attorney, whereby the property owner/operator shall covenant to perform the required removal of any such equipment/structure within ninety (90) days of notice by the County and grant authority to the county to perform such work at the property owner's cost if the owner/operator should default on his obligations. The owner/operator shall cause such agreement to be recorded by the clerk of the circuit court and provide evidence of such recordation to the zoning administrator prior to issuance of any building permits for the proposed development.

On roll call the vote was:

Yea: (4) Zaremba, Noll, Burgett, Shepperd
Nay: (0)

MATTERS PRESENTED BY THE BOARD (Continued)

Mr. Zaremba spoke regarding the FY2005 budget process, specifically the revenue that comes into the process. The increase this year is principally due to the growth in real estate assessments, and the bad news is that it is the major way in which the County receives its revenues to pay for the various programs and services that make up the budget. Because the homes being sold in any particular area of the County are being sold for a higher value, the assessments are being driven up for that area. He stated that over the last eight years the County had an average increase of about 6 percent, and expenditures were increasing at about 6 percent. This year the overall increase is 11.2 percent. Mr. Zaremba indicated the question the Board will be addressing during the budget cycle is 1) are the Board members satisfied with the level of increase, or 2) if not, what are the ways of decreasing the tax burden on the citizens. He stated the Board was as surprised as the citizens to learn that the tax assessments are as high as they are this year. Mr. Zaremba also spoke of the impact this increase will have on the senior citizens in the County who are on a fixed income and bought their homes decades ago and have reached the point where they cannot afford to live in York County. He stated the dilemma is that for every senior who leaves York County, they will be replaced by a young couple coming in with children who drive up the demand on programs and services.

Chairman Shepperd provided the Board members with an update on the 2007 Committee. He stated the Committee has established four task forces to address the celebration, and Cheryl Sonderman, Greg Davy, and Jim Noel will serve on them. He then noted that on February 23 he attended the Peninsula Mayors and Chairs meeting, and he stated that as a new person to this process, it does not seem to be doing what it should. On February 25 he noted he attended the Peninsula Alliance for Economic Development (PAED) Executive Committee meeting where it was announced that Rick Weigel would be retiring July 1. He also noted that Steve Cook, York County Office of Economic Development, is leaving York County and going to the PAED, so the County will have a friend there. Mr. Shepperd also indicated he had received a detailed briefing on the Base Realignment and Closure Commission, and the effect is going to be very significant. He stated that 80 percent of the bases on the list will be closed or realigned.

Mr. Zaremba asked if there are any Tidewater bases on the list.

Chairman Shepperd stated the list has not been determined, but the criteria has been developed. By this time next year, the bases will be identified. He stated he is very concerned about Fort Monroe. He also noted that on February 27 he attended the Hampton Roads Mayors and Chairs Caucus, and there was a press briefing after concerning the signing of a letter asking the legislators to do their job, and not put the burden on the localities. Chairman Shepperd then addressed the post cards the Board members have been receiving from citizens regarding the needs of Grafton/Bethel Elementary School, and he asked those citizens to contact their elected School Board members because they make the decisions on these issues.

March 2, 2004

CONSENT CALENDAR

Mr. Burgett moved that the Consent Calendar be approved as submitted.

On roll call the vote was:

Yea: (4) Noll, Burgett, Zaremba, Shepperd
Nay: (0)

Thereupon, the following minutes were approved and resolutions adopted:

Item No. 2. APPROVAL OF MINUTES

The minutes of the following meetings of the York County Board of Supervisors were approved:

January 20, 2004, Regular Meeting
February 3, 2004, Regular Meeting

Item No. 3. MUTUAL AID AGREEMENTS FOR FIRE AND RESCUE SERVICES: Resolution R04-33.

A RESOLUTION TO AUTHORIZE THE COUNTY ADMINISTRATOR
TO EXECUTE MUTUAL AID AGREEMENTS FOR FIRE AND RES-
CUE SERVICES BETWEEN YORK COUNTY AND OTHER HAMP-
TON ROADS LOCALITIES

WHEREAS, natural and man-made emergencies occurring in Hampton Roads localities have the potential to require that a jurisdiction seek additional fire and rescue services beyond those immediately available within its own fire and rescue agency; and

WHEREAS, intergovernmental coordination is essential in managing these emergencies;
and

WHEREAS, the Hampton Roads localities have fire and rescue equipment and personnel which could be beneficial in providing mutual aid assistance to each other during such incidents; and

WHEREAS, any such request for fire and rescue services would be made under the terms of a mutual aid agreement, and would be predicated on the availability of the services requested; and

WHEREAS, such an agreement for mutual aid fire and rescue services would benefit all Hampton Roads localities;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this 2nd day of March, 2004, that the County Administrator be, and he is hereby, authorized for and on behalf of York County to execute and update when necessary and as appropriate mutual aid agreements for Fire and Rescue Services between the County and other Hampton Roads localities, as approved as to form by the County Attorney.

NEW BUSINESS**ROUTE 17 PROPERTY IMPROVEMENT GRANT PROGRAM**

Mr. James Noel, Director of Economic Development, made a brief presentation concerning the Route 17 Property Improvement Grant Program that has been developed.

Mr. Zaremba noted Mr. Noel had indicated staff would be looking for an architect to do some of the design work for the property owners, and he suggested that perhaps one can be found that would do the work pro bono.

Mr. Noel indicated staff would pursue that suggestion, and stated the architectural fees have also been capped up to 6 percent of the cost of the program. He noted they are looking at fairly small renovations, and he hopes there are some architects out there who will do some pro bono work.

Mr. Zaremba stated the citizens may ask why the program is for only Route 17. He stated at the current time it is the top priority, but not the only one. Route 17 is the County's major thoroughfare through the County, but at some point in time the program could be expanded to other parts of the County. He suggested that the County get in front of the situation rather than wait until there are problems. Mr. Zaremba stated the Board is very impressed by the work that has been done.

Mrs. Noll suggested that if this program is a success, then the Board would look at other corridors in the County as money becomes available.

Mr. McReynolds noted that as grants are made, staff will be reporting back to the Board as it goes through the process.

Mr. Burgett stated the County is continuing to break new ground, and this program is something that has not been done before in York County. He stated he was very excited about it, and he anticipated seeing an increase in business and contributions to the tax base.

Chairman Shepperd indicated that the tax money devoted to this program will go to good use, and the Board of Supervisors feels it is a step forward. It is a new and exciting program, and the County is being proactive.

Mrs. Noll then moved the adoption of proposed Resolution R04-35 that reads:

A RESOLUTION TO AUTHORIZE THE IMPLEMENTATION OF A
ROUTE 17 PROPERTY IMPROVEMENT GRANT PROGRAM AND
PROVIDE FUNDING IN THE AMOUNT OF \$250,000

WHEREAS, the York County Board of Supervisors directed the York County Industrial Development Authority to develop a plan to improve the Route 17 business corridor; and

WHEREAS, The York County Industrial Development Authority has formed a Route 17 Revitalization Committee and adopted its Route 17 Corridor Revitalization Plan that includes an action option to establish a Route 17 Property Improvement Grant Program; and

WHEREAS, The York County Board of Supervisors has determined that a Route 17 Property Improvement Grant Program is an effective community development practice that will result in more attractive, convenient, and profitable use of the Route 17 corridor;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this the 2nd day of March, 2004, that the York County Industrial Development Authority is hereby authorized to implement a Route 17 Property Improvement Grant Program, and the County Administrator is directed to transfer \$250,000 from the Economic Development Fund to the York County Industrial Development Authority's capital fund to support the Route 17 Property Improvement Grant program.

On roll call the vote was:

Yea: (4) Burgett, Zaremba, Noll, Shepperd
Nay: (0)

CLOSED MEETING. At 9:04 p.m. Mr. Burgett moved that the meeting be convened in Closed Meeting pursuant to Section 2.2-3711(a)(1) of the Code of Virginia pertaining to appointments to Boards and Commissions.

On roll call the vote was:

Yea: (4) Zaremba, Noll, Burgett, Shepperd
Nay: (0)

March 2, 2004

Meeting Reconvened. At 9:12 p.m. the meeting was reconvened in open session by order of the Chair.

Mrs. Noll moved the adoption of proposed Resolution SR-1 that reads:

A RESOLUTION TO CERTIFY COMPLIANCE WITH THE FREE-
DOM OF INFORMATION ACT REGARDING MEETING IN CLOSED
MEETING

WHEREAS, the York County Board of Supervisors has convened a closed meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, Section 2.2-3711.1 of the Code of Virginia requires a certification by the York County Board of Supervisors that such closed meeting was conducted in conformity with Virginia law;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this the 2nd day of March, 2004, hereby certifies that, to the best of each member's knowledge, (1) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (2) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed, or considered by the York County Board of Supervisors.

On roll call the vote was:

Yea: (4) Noll, Burgett, Zaremba, Shepperd
Nay: (0)

APPOINTMENT TO THE YORK COUNTY WETLANDS BOARD

Mrs. Noll moved the adoption of proposed Resolution R04-16 that reads:

A RESOLUTION TO APPOINT A MEMBER TO THE YORK COUNTY
WETLANDS BOARD

WHEREAS, Roland G. Garrett resigned from the York County Wetlands Board on January 19, 2004;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this the 2nd day of March, 2004, that Diane K. Short be, and she is hereby, appointed to the York County Wetlands Board for the remainder of Dr. Garrett's term, such term to expire on June 30, 2006.

On roll call the vote was:

Yea: (4) Burgett, Zaremba, Noll, Shepperd
Nay: (0)

APPOINTMENT TO THE COLONIAL COMMUNITY CRIMINAL JUSTICE BOARD

Mr. Zaremba moved the adoption of proposed Resolution R04-32 that reads:

A RESOLUTION TO APPOINT A YORK COUNTY REPRESENTA-
TIVE TO THE COLONIAL COMMUNITY CRIMINAL JUSTICE
BOARD

WHEREAS, the term of Mrs. Nancy H. Williams on the Colonial Community Criminal Justice Board expires March 31, 2004;

March 2, 2004

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this 2nd day of March, 2004, that Nancy H. Williams be, and is hereby, appointed to the Community Criminal Justice Board for a term of three years, such term to begin April 1, 2004, and expire March 31, 2007.

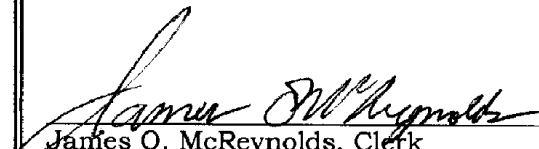
On roll call the vote was:

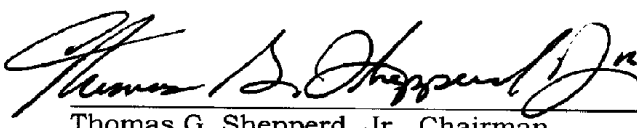
Yea: (4) Zaremba, Noll, Burgett, Shepperd
Nay: (0)

Meeting Adjourned. At 9:15 p.m. Mr. Burgett moved that the meeting be adjourned to 6:00 p.m., Tuesday, March 9, 2004, in the East Room, York Hall, for the purpose of conducting a work session.

On roll call the vote was:

Yea: (4) Noll, Burgett, Zaremba, Shepperd
Nay: (0)


James O. McReynolds, Clerk
York County Board of Supervisors


Thomas G. Shepperd, Jr., Chairman
York County Board of Supervisors